

SUE HALL, Clerk of Court  
\*\*\*Filed\*\*\*  
06/11/2010

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

JUDGE: GRIMSLEY, DONNA J

BY: B.J.S., DEPUTY CLERK

CASE NUMBER: S0100CR201000047

START: 6/08/2010 01:33 PM  
END: 6/08/2010 01:37 PM

STATE OF ARIZONA, PLAINTIFF

VS

APACHE COUNTY ADULT PROBATION [EM]  
APACHE COUNTY SHERIFF'S OFFICE (CERTIFIED)  
[HC]  
APACHE COUNTY ATTORNEY'S OFFICE [EM]  
DAVID J. MARTIN [EM]

JOSEPH DOUGLAS ROBERTS, DEFENDANT

MINUTE ENTRY: CASE MANAGEMENT CONFERENCE

PRESENT: JOSEPH DOUGLAS ROBERTS, DEFENDANT; DAVID J. MARTIN, ATTORNEY FOR THE DEFENDANT; DEPUTY COUNTY ATTORNEY; AND APACHE COUNTY ADULT PROBATION.

LET THE RECORD SHOW this is the date and time set for a Motion Hearing in the above-captioned matter.

Court has had the opportunity to review the original Motion to Dismiss filed by the Defendant in Justice Court as well as any responses; the Motion for Review of Preliminary Hearing as well as responses; and the transcripts of the Preliminary Hearing.

After reviewing those items, it appears that there is a willful abridgement of the Defendant's 6<sup>th</sup> amendment right to counsel by the State. Court finds the Apache County Attorney's Office is disqualified from further prosecuting this case. As such, the Court will not rule on any of the motions either to dismiss or to review the Preliminary Hearing until a new prosecuting agency has had a chance to respond to those motions. It is important that a prosecuting agency whose advocacy has not been put at issue needs the opportunity to respond. The County Attorney's Office is directed to submit the case to the Arizona Attorney General's Office for that office to assign a prosecuting agency. Having a third party make that assignment is appropriate and may assist in dealing with any taint.

Mr. Brannan informs the Court of a conflict concerning Mr. Lassen who is now in the Attorney General's Office.

IT IS FURTHER ORDERED directing the County Attorney's Office to pick any agency not to prosecute, but to assign it for prosecution.

IT IS HEREBY ORDERED setting this matter for a TELEPHONIC STATUS CONFERENCE for Monday, July 19, 2010 at 1:00 PM in the Apache County Superior Court. Counsel may appear by phone.

Court indicates she will consider those responses rather than the Apache County Attorney's responses.

Hearing concludes.